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09/858,360	05/16/2001	Joseph A. Manico	82171SLP	3327

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07/03/2007

EXAMINER
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BAKER, CHARLOTTE M

ART UNIT	PAPER NUMBER
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2625

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/858,360	Applicant(s) MANICO ET AL.	
	Examiner Charlotte M. Baker	Art Unit 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-14 and 16-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-14 and 16-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 04/17/2007 have been fully considered but they are not persuasive.

Regarding Applicant's argument that the Patent Office does not dispute that Vallmajo et al. is not relied upon for the teachings that an identifier is associated with an image bearing product, Examiner concurs. Meyer et al. is relied upon by the Examiner for those teachings (not Vallmajo et al.).

Regarding Applicant's argument that Meyer et al. do not teach an image bearing product as defined by Applicants, Examiner respectfully traverses. Attention is drawn to Applicant's Specification (p. 1, ln. 19-21), "The image product formed/produced by the kiosk (e.g., the image bearing product) for the user could be in the form of a print or enlargement". In addition, neither the preamble of the claims nor the body of the claims are drawn to an image bearing product that is a photograph of a specified size, a mug, a t-shirt, a photo puzzle or other product described at (p. 6, ln. 29 through p. 7, ln. 3), Applicant's Specification. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., photograph of a specified size, a mug, a t-shirt, a photo puzzle) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Meyer et al. satisfy the teaching of that an identifier is associated with an image bearing product according to the claim language of Applicant. In addition, Meyer et al. disclose (par. 26)

“providing reprints, tee shirt imprints, mouse pads, coffee mugs, business cards, greeting cards and postcards”. Meyer et al. teach (par. 31) “printing thumbnails and associated storage codes”, which reads on image bearing product (print). The “printing of thumbnails” is interpreted by Examiner as a print (image bearing product).

In conclusion, it is the combination of Vallmajo et al., Meyer et al., Redd et al. and Liebenow that disclose Applicant’s invention as claimed.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallmajo et al. in view of (6,791,723) Meyer et al. (US 2002/0116278).

**Regarding claim 1:** Vallmajo et al. disclose providing a plurality of network connected kiosks

(photo kiosk operating within a computer network, col. 4, ln. 52-57 and col. 27, ln. 14-23)

having image input (Fig. 1A, scanner bed 16) and product output capability (Fig. 1A and 1B,

printer device 20); inputting at least one image (Fig. 1A, picture 14) at one of the plurality of

network connected kiosks (Fig. 1A and 1B, photo kiosk 10); selecting one or more image

bearing product for at least one image (col. 4, ln. 46-51); storing the at least one image at a

network accessible location (col. 27, ln. 14-31 and Fig. 4, communications device 450 and

memory 420); to generate the selected one or more image bearing product (Fig. 1A and 1B,

printer device 20 and col. 4, ln. 46-51) having the at least one image at any one of the plurality of

networked connected kiosks (Fig. 1A and 1B, photo kiosk 20, photo kiosk operating within a computer network, col. 4, ln. 52-57).

Vallmajo et al. fail to specifically address generating an identifier and providing the recipient with the identifier.

Meyer et al. disclose generating an identifier for the one or more image bearing product (image, par. 21 and par. 31); providing a recipient with the identifier (code number, par. 21 and par. 31); using the identifier (using code number to access stored images from the remote site, par. 21 and par. 31).

It would have been obvious for a person of ordinary skill in the art at the time of the invention to include an identifier for image retrieval in order to preserve the images as suggested by Meyer et al. (par. 7) and provide a more secure means of accessing images as suggested by Meyer et al. (par. 21 and par. 31).

**Regarding claim 10:** Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 1. Vallmajo et al. further disclose wherein the one of the plurality of network connected kiosks comprises a networked home computer (Fig. 1A and 1B, photo kiosk 20, photo kiosk operating within a computer network, col. 4, ln. 52-57).

**Regarding claim 11:** Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 1. Vallmajo et al. further disclose at any one of the plurality of network connected kiosks (Fig. 1A and 1B, photo kiosk 20, photo kiosk operating within a computer network, col. 4, ln. 52-57).

Vallmajo et al. fail to specifically address image retrieval.

Meyer et al. disclose wherein the image is retrieved (using code number to access stored images from the remote site, par. 21 and par. 31).

**Regarding claim 12:** Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 1.

Vallmajo et al. further disclose storing at a network accessible location (col. 27, ln. 14-31 and Fig. 4, communications device 450 and memory 420).

Vallmajo et al. fail to specifically address an identifier.

Meyer et al. disclose identified by the identifier (via a code number, par. 21 and par. 31).

**Regarding claim 13:** Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 1.

Vallmajo et al. fail to specifically address retrieving the image from a network accessible location.

Meyer et al. disclose wherein the image is retrieved from the network accessible location identified by the identifier (code number, par. 21 and par. 31).

**Regarding claim 14:** Arguments analogous to those stated in the rejection of claim 1 are applicable. In addition, Vallmajo et al. further disclose the recipient inputting at least one image (Fig. 1A, picture 14) at any one of network connected kiosks (Fig. 1A and 1B, photo kiosk 10);

Vallmajo et al. fail to specifically address associating the image bearing product with the identifier.

Meyer et al. disclose associating the image bearing product with the identifier (thumbnail and code, par. 21 and par. 31); using the identifier (using code number to access stored images from the remote site, par. 21 and par. 31).

4. Claims 3-7, 9, 16-20, and 22-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. (6,646,754).

**Regarding claim 3:** Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 1.

Vallmajo et al. further disclose providing a printer (Fig. 1A and 1B, printer device 20); at one of

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the plurality of networked connected kiosks (Fig. 1A and 1B, photo kiosk 20, photo kiosk operating within a computer network, col. 4, ln. 52-57).

Vallmajo et al. in view of Meyer et al. fail to specifically address inputting name and address of recipient and printing and sending a postcard.

Redd et al. disclose inputting a name and address of the recipient (Figure 7, address field 906 and col. 10, ln.56-60 and col. 13, ln. 33); printing a postcard with the printer comprising the name and address of the recipient and the identifier (destination identifier print 900, Figure 7); and sending the postcard to the recipient (destination identifier print 900, Figure 7). In addition, Redd et al. suggests postcards that can be distributed (col. 32, ln. 33-40).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the suggestion of Redd et al. to allow the user to input the name and address of the recipient and to print and send a postcard in order to provide more efficient tracking.

**Regarding claim 4:** Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 3. Meyer et al. further disclose wherein the printer is network connected (network communications interface 304 may be located with the printer 306 in a single housing 316, par. 29).

**Regarding claim 5:** Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 3.

Vallmajo et al. in view of Meyer et al. fail to specifically address reading the identifier from the postcard.

Redd et al. disclose the step of reading the identifier from the postcard (barcode reader 626, and col. 21, ln. 61-65).

**Regarding claim 6:** Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 1.

Vallmajo et al. in view of Meyer et al. fail to specifically address sending a postcard.

Redd et al. disclose wherein the step of providing a recipient with the identifier comprises sending a postcard (destination identifier print 900, Figure 7). In addition, Redd et al. suggests postcards that can be distributed (col. 32, ln. 33-40).

**Regarding claim 7:** Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 1.

Vallmajo et al. in view of Meyer et al. fail to specifically address sending an email.

Redd et al. disclose wherein the step of providing a recipient with the identifier comprises sending an e-mail (the network is inherently capable of electronic mail and the person who placed the order can provide as the recipient's address an e-mail address, and suggestion of use of email col. 12, ln. 35-38).

**Regarding claim 9:** Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 1.

Vallmajo et al. in view of Meyer et al. fail to specifically address sending a thank you message.

Redd et al. disclose the step of sending a thank you message (Figure 8, user specified message 934, col. 18, ln. 7-10).

**Regarding claim 16:** Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 14.

Arguments analogous to those stated in the rejection of claim 3 are applicable.

**Regarding claim 17:** Vallmajo et al. in view of Meyer et al. and further in view of Redd et al.

satisfy all the elements of claim 16. Arguments analogous to those stated in the rejection of claim 4 are applicable.



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**Regarding claim 18:** Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 16. Arguments analogous to those stated in the rejection of claim 5 are applicable.

**Regarding claim 19:** Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 14. Arguments analogous to those stated in the rejection of claim 6 are applicable.

**Regarding claim 20:** Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 14. Arguments analogous to those stated in the rejection of claim 7 are applicable.

**Regarding claim 22:** Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 14. Arguments analogous to those stated in the rejection of claim 9 are applicable.

**Regarding claim 23:** Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 14. Arguments analogous to those stated in the rejection of claim 11 are applicable.

**Regarding claim 24:** Meyer et al. satisfy all the elements of claim 14. Arguments analogous to those stated in the rejection of claim 13 are applicable.

**Regarding claim 25:** Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 14. Arguments analogous to those stated in the rejection of claim 12 are applicable.

**Regarding claim 26:** Arguments analogous to those stated in the rejections of claims 1, 14, 15, and 16 are applicable. In addition, Redd et al. suggests postcards that can be distributed (col. 32, ln. 33-40).

**Regarding claim 27:** Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 26. Arguments analogous to those stated in the rejections of claims 4 and 17 are applicable.

**Regarding claim 28:** Meyer et al. in view of Redd et al. satisfy all the elements of claim 26.

Arguments analogous to those stated in the rejections of claims 9 and 22 are applicable.

**Regarding claim 29:** Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 26. Arguments analogous to those stated in the rejection of claim 10 are applicable.

**Regarding claim 30:** Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 26. Arguments analogous to those stated in the rejections of claims 11 and 15 are applicable.

**Regarding claim 31:** Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 26. Arguments analogous to those stated in the rejections of claims 13 and 24 are applicable.

**Regarding claim 32:** Arguments analogous to those stated in the rejections of claims 14 and 16 are applicable. A “first” and “second” “recipient and postcard” are addressed by the applicant in claim 32. Redd et al. disclose the capability of multiple recipients (col. 11, ln. 18-37). Redd et al. further disclose printing a second postcard with the printer comprising a name and address of a second recipient and the identifier (Figure 7 and col. 17, ln. 12-39); sending the second postcard to the second recipient (Figure 7 destination identifier print 900); the second recipient using the identifier (Figure 8 unique identification number 922 and col. 17, ln. 65-67 through col. 18, ln. 1-7).

**Regarding claim 33:** Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 32. Arguments analogous to those stated in the rejections of claims 4, 17, and 27 are applicable.

**Regarding claim 34:** Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 32. Arguments analogous to those stated in the rejections of claims 9, 22, and 28 are applicable.

**Regarding claim 35:** Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 32. Arguments analogous to those stated in the rejections of claims 9, 22, 28, and 34 are applicable.

**Regarding claim 36:** Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 32. Arguments analogous to those stated in the rejections of claims 11, 15, and 30 are applicable.

**Regarding claim 37:** Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 32. Arguments analogous to those stated in the rejections of claims 12 and 25 are applicable.

**Regarding claim 38:** Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 37. Arguments analogous to those stated in the rejections of claims 13, 24, and 31 are applicable.

5. Claims 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallmajo et al. in view of Meyer et al. and further in view of Liebenow (US 2002/0085840 A1).

**Regarding claim 8:** Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 1.

Vallmajo et al. in view of Meyer et al. fail to specifically address sending a telephonic message.

Liebenow discloses sending a telephonic message (pre-recorded message, p. 4, par. 31). It would have been obvious to a person of ordinary skill in the art at the time of the invention to

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include sending a telephonic message to a recipient as taught by Liebenow to communicate an identifier for the images so that the customer does not have to wait an extended period of time to view the prints.

**Regarding claim 21:** Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 14.

Arguments analogous to those stated in the rejection of claim 8 are applicable.

### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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